

Appl. No. 09/751,314
Amdt. dated December 3, 2003
Reply to Office Action of September 3, 2003

REMARKS/ARGUMENTS

Claims 1-7; 9-14; 23-24; and 26-33 are pending in this application. Claims 8, 15-22 and 25 have been cancelled by this Amendment. Claims 9-10 and 26-27 have been amended to correct their dependency from cancelled claims 8 and 25.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

A. Rejection Of Claims 1 - 7, 11 - 19, 21, 23 - 24, and 29 - 33 Under U.S.C. § 102(b)

Claims 1 - 7, 11 - 19, 21, 23 - 24, and 29 - 33 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,916,203 issued to Brandon et al. (hereinafter referred to as the Brandon et al. reference"). Applicants respectfully traverse the rejection as it may apply to the present claims.

Independent Claim 1 has been amended to include the allowable subject matter of dependent Claim 8. As such, the amended independent Claim 1 and its dependent Claims 2 - 7 and 9 - 14 are in condition for allowance. Independent Claim 23 has been amended to include the allowable subject matter of dependent Claim 25. As such, amended independent Claim 1 and its dependent Claims 24 and 26 - 33 are in condition for allowance. Accordingly, Applicants believe the rejection should be withdrawn. Applicants submit that the amendment does not narrow the scope of these claims.

B. Rejection Of Claim 28 Under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a)

Claim 28 stands rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the Brandon et al. reference in view of a teaching

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reference (product description for a Sharp Carousel microwave oven). Applicants respectfully traverse the rejection as it may apply to the present claims.

As stated above, independent Claim 23 has been amended to include the allowable subject matter of dependent Claim 25. As such, the amended independent Claim 1 and its dependent Claims 24 and 26 - 33, including Claim 28, are in condition for allowance. Accordingly, Applicants believe the rejection should be withdrawn. Applicants submit that the amendment does not narrow the scope of this claim.

C. Objection to Claims 8 - 10 and 25 - 27

Claims 8 - 10 and 25 - 27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form. Independent Claims 1 and 23 have been rewritten to reflect the Examiner's suggested amendments. Claims 8 and 25 have been canceled. Accordingly, dependent Claims 9 - 10 and 26 - 27 are believed to be in condition for allowance and the objection should be withdrawn.

D. Double Patenting Rejection

Claims 1 - 23 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 23 of Application No. 10/227,688. Applicant has abandoned Application No. 10/227,688. Accordingly, Applicants believe the rejection should be withdrawn.

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E. Conclusion

The application now contains Claims 1 - 7, 9 - 14, 23 - 24, and 26 - 33 which are believed to be in condition for allowance. Applicants would like to thank the Examiner for the careful attention paid to the present application. Early allowance of the claims in view of the above remarks is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-7671.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMITTAL

I, Judy Garot, hereby certify that on December 3, 2003 this document is being transmitted via facsimile to the United States Patent and Trademark Office, Alexandria, VA., fax no. (703) 872-9306.

By: 

Judy Garot